

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Applicant:	Seth Hallstrom et al.)
)
Title:	PHARMACEUTICAL COMBINED PREPARATION) Art Unit
	CONTAINING A THERAPEUTIC PROTEIN) 1656
)
Serial No.:	10/599,401)
)
Filed:	February 27, 2007)
)
Confirmation No.:	8352)
)
Examiner:	Samuel W. LIU)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Restriction Requirement dated June 18, 2009, Applicant respectfully submits the following response.

In the Office Action, the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as patentably distinct inventions. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following inventions:

- I. Claims 1-18, drawn to a method of manufacturing a pharmaceutical preparation comprising the protein or the compound which comprising nitrosated SH-group of a protein or a compound.

- II. Claims 1-18, drawn to a method of treating a disease/disorder by administering to a subject in need the protein or compound, or said preparation.

The Office Action further restricted Groups I and II, claims 1-18. If Group I or II is elected, Applicant is required to elect one disease/disorder from claim 1. If Group I or II is elected, Applicant is required to elect one protein from claims 3 and 8.

In response, Applicant elects Group II drawn to a method of treatment without traverse. Additionally, Applicant elects ischaemia as the disease of claim 1, and elects the protein S-nitroso albumin of claims 3 and 8. Claims 1-18 read on the above elections.

The Office Action further restricted Groups I and II, claims 1-18, as being drawn to more than a single species. The Examiner has identified the species requirement as follows:

Claims 4, 6, 9, and 13 are directed to different species (i.e., different compounds).

The Applicants hereby elect without traverse the species “reduced glutathione.” Claims 1-18 read on the species “reduced glutathione.”

An action on the merits of elected claims 1-18 and a Notice of Allowance thereof are respectfully requested.

Dated this 17th day of August, 2009.

Respectfully submitted,

/Jonathan M. Benns, Reg. #53983/

JONATHAN M. BENNS
Registration No. 53,983
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800